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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,009	12/19/2001	Jason S. Felsch	111025.173	3244

26161 7590 03/03/2005

FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER

SHIBUYA, MARK LANCE

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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FISH & RICHARDSON, P.C.  
BOSTON OFFICE

Docketed By: *BR*  
Due Date: *BR*  
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Initials: *BR*

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/029,009

Felsch et al.

EXAMINER

ART UNIT

PAPER

11102004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

## 1. Electronically submitted through EFS-Bio

(<<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>>, EFS Submission User Manual - ePAVE)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Shibuya, Ph.D., whose telephone number is (571) 272-0806. The examiner works a flexible schedule and can be reached by phone

and voice mail.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

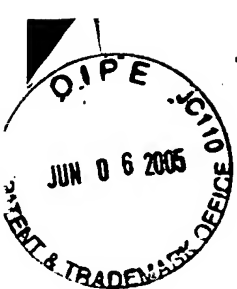
Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice To Comply.

Any inquiry of a general nature or relating to the status of this application, or requests to supply missing elements from Office communications, should be directed to the Group receptionist whose telephone number is (571) 272-1600.



Mark L. Shibuya  
Examiner  
Art Unit: 1639

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<b>Notice to Comply</b>	Application No. 10/029,009	Applicant(s) Felsch et al.	
	Examiner SHIBUYA	Art Unit 1639	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Please see attached sheet.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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37 CFR 1.821(c), in part, states:

Each sequence disclosed must appear separately in the "Sequence Listing." Each sequence set forth in the "Sequence Listing" shall be assigned a separate sequence identifier. [Emphasis added].

37 CFR 1.821(c). However, the Sequence Listing, filed 3/28/2002, shows that the amino acid sequence, "Asp Tyr Lys Asp Asp Asp Asp Lys", has been assigned both SEQ ID NO:1 and SEQ ID NO:29. The examiner believes that such pairs of double entries for sequence identifiers are present in the application for SEQ ID NOs: 1 and 29; SEQ ID NOs: 2 and 30; SEQ ID NOs: 3 and 31; SEQ ID NOs: 4 and 32; and SEQ ID NOs: 5 and 33. The examiner respectfully requests that the applicant review the application for any other instances of dual sequence identifiers for a single amino acid or nucleic acid sequence and that applicant correct the Sequence Listing and the Computer Readable Form, thereof, as directed above in the instant Notice to Comply.

Applicant also must correct the body of the specification by correcting the references to any superfluous sequence identifier and affected claims, for example, affected claims 33, 39 and 40.

## HOW TO SEND SEQUENCES TO USPTO

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